

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, January 23, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Larry Cass, followed by the Pledge of Allegiance led by House page Brittney Groenewald.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration HB 1056, 1059, and 1061 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Transportation respectfully reports that it has had under consideration HB 1060 and returns the same with the recommendation that said bill be amended as follows:

1060oc

On page 10, line 12, of the printed bill, delete "~~or 32-5-108~~" and insert "or 32-5-108 subdivision (2) of section 4 of this Act,".

On page 10, line 13, overstrike "an automobile" and insert "a motor vehicle".

On page 21, delete lines 2 to 17, inclusive, and insert:

" Section 35. That § 32-30-9 be amended to read as follows:

32-30-9. Any license issued as provided in ~~§ 32-5-108~~ subdivision (2) of section 4 of this Act, shall be displayed prominently upon the ~~automobile~~ motor vehicle while being parked by or under the direction of the veteran pursuant to ~~§ 32-30-8~~ § 32-30-11.1.

Section 36. That § 32-30-10 be amended to read as follows:

32-30-10. Upon conviction of any offense involving a violation of the special privilege conferred by ~~§ 32-30-8~~ § 32-30-11.1 upon holders of the distinctive license plates issued under ~~§ 32-5-108~~ subdivision (2) of this section 4 of this Act, a magistrate or judge trying the case may, as a part of any penalty imposed, confiscate the distinctive license plates provided in ~~§ 32-5-108~~ subdivision (2) of section 4 of this Act, and to return the license plates to the Department of Revenue together with a certified copy of the imposed sentence.

Section 37. That § 32-30-11 be amended to read as follows:

32-30-11. Any person, other than the veteran to whom it was issued, who uses a disabled veteran's license of identification issued pursuant to ~~§ 32-5-108~~ subdivision (2) of section 4 of this Act for the purpose of parking ~~an automobile~~ a motor vehicle as permitted by ~~§ 32-30-8~~ § 32-30-11.1, commits a Class 2 misdemeanor. The court shall assess a fine of not less than one hundred dollars if the parking space is marked in accordance with the Americans With Disabilities Act accessibility guidelines as of January 1, 2002."

1 1060od

2 On page 3, line 11, of the printed bill, after "extremities" delete "or" and insert ",."

3 On page 3, line 12, after "disability" insert ", or a veteran who received a United States
4 Veterans Administration K Award and meets the qualification for an automobile allowance".

5 1060oa

6 On page 3 of the printed bill, delete line 7, and insert "National Guard, an active
7 commissioned member of the".

8 On page 3, line 8, delete "South Dakota".

9 On page 6, delete lines 19 and 20, and insert "the National Guard, an active commissioned
10 member of the National Guard, or a retired member of the National Guard;".

11 And that as so amended said bill do pass.

12 Respectfully submitted,
13 Mike Verchio, Chair

14 Also MR. SPEAKER:

15 The Committee on Taxation respectfully reports that it has had under consideration
16 HB 1057 and returns the same with the recommendation that said bill do pass.

17 Also MR. SPEAKER:

18 The Committee on Taxation respectfully reports that it has had under consideration
19 HB 1055 and returns the same with the recommendation that said bill do pass and be placed on
20 the consent calendar.

21 Respectfully submitted,
22 Brock L. Greenfield, Chair

23 **MOTIONS AND RESOLUTIONS**

24 HCR 1004 Introduced by: Representatives Verchio, Cammack, Gosch, Haggart (Jenna),
25 Heinemann (Leslie), Hickey, Kopp, May, Novstrup (David), Qualm, Ring, Rounds, Rozum,
26 Schrempp, Sly, Solum, Tyler, and Wick and Senators Rampelberg, Begalka, Kirkeby, and
27 Welke

28 A CONCURRENT RESOLUTION, Recognizing Hot Springs as "The Veterans Town."

1 WHEREAS, Hot Springs was formerly called Minnekahta, which means warm waters in
2 the Lakota language. The healing waters that were so valuable to Native Americans became the
3 foundation for two of the greatest institutions to be built in Hot Springs; and

4 WHEREAS, Battle Mountain Sanitarium, now part of the Veterans Affairs Black Hills
5 Health Care System, and the State Veterans Home have deep roots in the town of Hot Springs.
6 In 1889, the year South Dakota was admitted to statehood, construction of the State Soldiers
7 Home began; and

8 WHEREAS, South Dakota Senator Richard F. Pettigrew introduced a bill in the 54th
9 Congress (1895-1897) for the erection and maintenance of the Northern Branch of National
10 Homes for Disabled Volunteer Soldiers at Hot Springs. The National Encampment of the Grand
11 Army of the Republic passed a resolution requesting Congress to establish a national home in
12 Hot Springs. In May 1902, President Theodore Roosevelt signed a bill into law which provided
13 for the home. In August of 1903, ground was broken for the sanitarium, now the Hot Springs
14 VA Hospital; and

15 WHEREAS, the State Soldiers Home is now named The Michael J. Fitzmaurice State
16 Veterans Home, in honor of Michael Fitzmaurice, a former United States Army soldier and
17 recipient of the United States military's highest decoration, the Medal of Honor, for his actions
18 during the Vietnam War; and

19 WHEREAS, through its history of more than one hundred years, Hot Springs has become
20 known as "The Veterans Town" because of the town's reputation for welcoming veterans to the
21 community for care and treatment or as residents. Veterans have always had a special place in
22 the hearts of the citizens of Hot Springs, and countless volunteer hours by the people of Hot
23 Springs have been part of the success of the treatment and care of veterans in Hot Springs:

24 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
25 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the city of
26 Hot Springs is to be known and recognized as "The Veterans Town" as its citizens continue to
27 include veterans and the veterans facilities in community healthcare functions, parades, and
28 numerous other community events and in recognition of Hot Springs' long history of support
29 for the veterans of this state and nation.

30 Was read the first time and the Speaker waived the committee referral.

31 HCR 1005 Introduced by: Representatives Nelson, Haggar (Jenna), Hickey, Kaiser, Kopp,
32 Latterell, Olson (Betty), Qualm, Stalzer, Steele, and Verchio and Senators Van Gerpen,
33 Begalka, Jensen, and Rhoden

34 A CONCURRENT RESOLUTION, Urging Congress and the President to secure the blessings
35 of life and liberty for our posterity.

36 WHEREAS, the purpose of the United States Constitution is "to secure the blessings of
37 liberty to ourselves and our posterity;" and

1 WHEREAS, our children and preborn children are our posterity; and

2 WHEREAS, our most important blessing is the right to live; and

3 WHEREAS, the right to life of all innocent persons is God-given and unalienable:

4 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
5 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the South
6 Dakota Legislature urges Congress and the President of the United States to immediately
7 provide preborn children their appropriate protections by the fifth and fourteenth amendments
8 to the United States Constitution.

9 Was read the first time and the Speaker waived the committee referral.

10 Rep. Wink moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
11 Friday, January 24, the 8th legislative day.

12 Which motion prevailed.

13 **CONSIDERATION OF REPORTS OF COMMITTEES**

14 Rep. Wink moved that the report of the Standing Committee on

15 State Affairs on HB 1013 as found on pages 66-67 of the House Journal be adopted.

16 Which motion prevailed.

17 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1083 Introduced by: Representatives Olson (Betty), Greenfield, Kaiser, Kopp, May,
19 and Russell and Senators Maher, Begalka, Jensen, and Monroe

20 FOR AN ACT ENTITLED, An Act to restrict the term of conservation easements.

21 Was read the first time and referred to the Committee on Agriculture and Natural
22 Resources.

1 HB 1084 Introduced by: Representatives Cronin, Conzet, Gibson, Johns, and Munsterman
2 and Senators Holien, Ewing, Frerichs, Lederman, Rave, and Tieszen

3 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the list of
4 persons who may be excluded from a licensed gaming establishment and to provide a penalty
5 for a violation of the exclusion.

6 Was read the first time and referred to the Committee on State Affairs.

7 HB 1085 Introduced by: Representatives Lust, Conzet, Cronin, Gosch, Munsterman, Sly,
8 Westra, and Wink and Senators Rave, Brown, Holien, Maher, and Rhoden

9 FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the general
10 fund of school districts.

11 Was read the first time and referred to the Committee on State Affairs.

12 HB 1086 Introduced by: Representatives Wick, Conzet, Cronin, Dryden, Duvall, Ecklund,
13 Erickson, Gosch, Haggard (Jenna), Hawley, Hickey, Hoffman, Magstadt, Munsterman, Novstrup
14 (David), Otten (Herman), Parsley, Rounds, Rozum, Sly, Solum, Steele, Tulson, Verchio, and
15 Westra and Senators Kirkeby, Holien, Hunhoff (Jean), Jensen, Jones (Tom), Lederman, Peters,
16 Rave, Tidemann, and White

17 FOR AN ACT ENTITLED, An Act to create a leased residential property classification
18 and to establish the school district general fund levy for the property classification.

19 Was read the first time and referred to the Committee on Taxation.

20 HB 1087 Introduced by: Representatives Johns, Hajek, Ring, Romkema, Rounds, Stevens,
21 and Wink and Senators Ewing, Holien, Jones (Chuck), Kirkeby, Monroe, Novstrup (Al),
22 Omdahl, and Van Gerpen

23 FOR AN ACT ENTITLED, An Act to change how rural fire protection districts conduct
24 elections.

25 Was read the first time and referred to the Committee on Local Government.

26 HB 1088 Introduced by: Representatives Johns, Campbell, Rounds, Sly, Stevens, Tulson,
27 and Wink and Senators Ewing, Kirkeby, Monroe, and Omdahl

28 FOR AN ACT ENTITLED, An Act to repeal the reduction in general state aid for funds
29 received from the gaming commission fund.

30 Was read the first time and referred to the Committee on State Affairs.

1 HB 1089 Introduced by: Representatives Johns, Campbell, Ring, Romkema, Sly, Stevens,
2 Tulson, and Wink and Senators Ewing, Jones (Chuck), Kirkeby, Monroe, Omdahl, and Van
3 Gerpen

4 FOR AN ACT ENTITLED, An Act to allow certain school districts that do not receive
5 state aid to education to receive funding for certain students with limited English proficiency.

6 Was read the first time and referred to the Committee on State Affairs.

7 HB 1090 Introduced by: The Committee on Transportation at the request of the Office of
8 the Governor

9 FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions
10 regarding county highways.

11 Was read the first time and referred to the Committee on Transportation.

12 HJR 1001 Introduced by: Representatives Johns, Conzet, Feinstein, Gosch, Lust, Magstadt,
13 May, Romkema, Rounds, and Verchio and Senators Ewing, Bradford, Frerichs, Hunhoff (Jean),
14 Jones (Chuck), Kirkeby, Maher, Peters, and Rave

15 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general
16 election an amendment to Article III, section 25 of the Constitution of the State of South
17 Dakota, relating to the authorization of roulette, keno, and craps in the City of Deadwood.

18 Was read the first time and referred to the Committee on State Affairs.

19 **SECOND READING OF CONSENT CALENDAR ITEMS**

20 HB 1052: FOR AN ACT ENTITLED, An Act to authorize additional disclosure regarding
21 certain insurance investigations and examinations.

22 Was read the second time.

23 The question being "Shall HB 1052 pass as amended?"

24 And the roll being called:

25 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 Speaker declared the bill passed and the title was agreed to.

12 HB 1035: FOR AN ACT ENTITLED, An Act to provide certain provisions relating to the
13 executive branch internship program.

14 Was read the second time.

15 The question being "Shall HB 1035 pass?"

16 And the roll being called:

17 Yeas 70, Nays 0, Excused 0, Absent 0

18 Yeas:

19 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
20 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
21 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
22 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
23 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
24 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
25 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
26 Wick; Wink; Wismer; Speaker Gosch

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 Speaker declared the bill passed and the title was agreed to.

29 HB 1044: FOR AN ACT ENTITLED, An Act to authorize limited cosmetology services
30 outside of a licensed salon or booth.

31 Was read the second time.

32 The question being "Shall HB 1044 pass?"

33 And the roll being called:

1 Yeas 70, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
4 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
5 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
6 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
7 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
8 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
9 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
10 Wick; Wink; Wismer; Speaker Gosch

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

14 Rep. Lust moved that HB 1036 be placed to follow HB 1046 on today's calendar.

15 Which motion prevailed.

16 HB 1054: FOR AN ACT ENTITLED, An Act to establish consumer protection standards
17 regarding certain insurance claim practices and to provide for certain penalties.

18 Was read the second time.

19 1054sa

20 Rep. Stevens moved that HB 1054 be amended as follows:

21 On page 2, between lines 15 and 16 of the House Judiciary Committee engrossed bill,
22 insert:

23 "For any act defined in section 4 of this Act, the director shall provide notice and an
24 opportunity to correct the violation pursuant to § 58-33-68 if the act was inadvertent. Any act
25 that is committed flagrantly or in conscious disregard of the provisions of this Act are not
26 subject to the procedures required under § 58-33-68."

27 On page 4, line 17, after "." insert "Any penalty imposed pursuant to this section is the sole
28 and exclusive remedy for any act or violation brought by the director under this Act."

29 Which motion prevailed.

1054je

Rep. Anderson moved that HB 1054 be further amended as follows:

On page 4, after line 3 of the House Judiciary Committee engrossed bill, insert:

"Prior to conducting a public hearing pursuant to this section against an insurer regulated by chapter 58-35, the director shall attempt to resolve the alleged unfair claims practice with the insurer."

On page 4, between lines 17 and 18, insert:

"The director shall consider the size, the amount of surplus, and the premium volume of the insurer when determining a penalty pursuant to this section."

Which motion prevailed.

1054jd

Rep. Rounds moved that HB 1054 be further amended as follows:

On page 2, line 9, of the House Judiciary Committee engrossed bill, after "." insert "No disposition under the provisions of this Act or any rule promulgated thereto may be used as evidence in any civil litigation. Nothing herein alters the rules of evidence as contained in title 19."

Which motion prevailed.

The question being "Shall HB 1054 pass as amended?"

And the roll being called:

Yeas 63, Nays 7, Excused 0, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Magstadt; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Westra; Wick; Wismer; Speaker Gosch

Nays:

Latterell; Lust; May; Qualm; Verchio; Werner; Wink

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1025: FOR AN ACT ENTITLED, An Act to revise certain statutes and administrative
4 rules regarding licensure of nursing facility administrators and to increase certain fees.

5 Was read the second time.

6 1025jd

7 Rep. Sly moved that HB 1025 be amended as follows:

8 On page 12 of the House Health and Human Services Committee engrossed bill, delete
9 lines 6 to 14, inclusive, and insert:

10 "licensure as a nursing facility administrator ~~must~~ shall meet the education and training
11 requirements ~~as follows and shall submit the following:~~

12 (1) ~~Have at least a baccalaureate degree; and~~ A completed application form and a
13 nonrefundable fee of \$300;

14 (2) ~~Have successful service as an administrator-in-training as defined in § 20:49:01:01(2)~~
15 ~~or have completed a practicum in long term healthcare from a regionally accredited higher~~
16 ~~education program. Applicants applying for relicensure must have completed an~~
17 ~~administrator-in-training program or practicum within the four years preceding the date of the~~
18 ~~application~~ Certified transcripts verifying completion of at least an associate degree;

19 (3) Verification of:

20 On page 12, line 21, delete "(3)" and insert "(4)".

21 On page 12, line 22, delete "(4)" and insert "(5)".

22 On page 12, line 24, delete "(5)" and insert "(6)".

23 On page 13, line 3, delete "(6)" and insert "(7)".

24 Which motion prevailed.

25 The question being "Shall HB 1025 pass as amended?"

26 And the roll being called:

27 Yeas 56, Nays 14, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feinstein; Gibson; Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert;
4 Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Lust; Magstadt;
5 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
6 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli;
7 Solum; Stalzer; Stevens; Tulson; Tyler; Westra; Wick; Wink; Wismer; Speaker Gosch

8 Nays:

9 Bolin; Feickert; Greenfield; Haggar (Don); Haggar (Jenna); Kaiser; Latterell; May; Nelson;
10 Qualm; Russell; Steele; Verchio; Werner

11 So the bill having received an affirmative vote of a two-thirds majority of the members-
12 elect, the Speaker declared the bill passed and the title was agreed to.

13 HB 1042: FOR AN ACT ENTITLED, An Act to revise the penalty for late payment of the
14 additional original registration tax on aircraft.

15 Was read the second time.

16 The question being "Shall HB 1042 pass as amended?"

17 And the roll being called:

18 Yeas 70, Nays 0, Excused 0, Absent 0

19 Yeas:

20 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
21 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
22 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
23 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
24 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
25 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
26 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
27 Wick; Wink; Wismer; Speaker Gosch

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 Speaker declared the bill passed and the title was agreed to.

30 HB 1021: FOR AN ACT ENTITLED, An Act to provide for judicial review of Board of
31 Regents decisions involving student discipline and residency classification.

32 Was read the second time.

1 The question being "Shall HB 1021 pass?"

2 And the roll being called:

3 Yeas 70, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
6 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
7 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
8 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
9 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
10 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
11 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
12 Wick; Wink; Wismer; Speaker Gosch

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1045: FOR AN ACT ENTITLED, An Act to revise unemployment insurance
16 contribution rates.

17 Was read the second time.

18 The question being "Shall HB 1045 pass?"

19 And the roll being called:

20 Yeas 70, Nays 0, Excused 0, Absent 0

21 Yeas:

22 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
23 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
24 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
25 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
26 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
27 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
28 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
29 Wick; Wink; Wismer; Speaker Gosch

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the bill passed and the title was agreed to.

1 Rep. Lust moved that HB 1046 and 1036 be deferred to Friday, January 24, the
2 8th legislative day.

3 Which motion prevailed.

4 There being no objection, the House reverted to Order of Business No. 5.

5 **REPORTS OF STANDING COMMITTEES**

6 MR. SPEAKER:

7 The Committee on Local Government respectfully reports that it has had under
8 consideration HB 1064 and returns the same with the recommendation that said bill do pass and
9 be placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on Local Government respectfully reports that it has had under
12 consideration HB 1062 which was tabled.

13 Respectfully submitted,
14 Tim Rounds, Chair

15 **COMMEMORATIONS**

16 HC 1004 Introduced by: Representatives Nelson, Johns, and Kaiser and Senator Tieszen

17 A LEGISLATIVE COMMEMORATION, Honoring, commending, and thanking South Dakota
18 Highway Patrol Major Randy Hartley upon his retirement, for his many dedicated years of
19 service to South Dakotans as a highway patrolman.

20 WHEREAS, Major Randy Hartley, with the generous support of his family, served South
21 Dakotans with selfless dedication to their safety; and

22 WHEREAS, the actions, performance, and tenure of Major Randy Hartley were in keeping
23 with the highest traditions of the South Dakota Highway Patrol:

24 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
25 State of South Dakota, that the Legislature honors, commends, and thanks South Dakota
26 Highway Patrol Major Randy Hartley for his outstanding career commitment and service to the
27 citizens of South Dakota.

1 HC 1005 Introduced by: Representatives Nelson, Johns, and Kaiser and Senator Tieszen

2 A LEGISLATIVE COMMEMORATION, Honoring, commending, and thanking South Dakota
3 Highway Patrol Port Manager Larry Bryant, upon his retirement, for his many dedicated
4 years of service to South Dakotans.

5 WHEREAS, Port Manager Larry Bryant, with the generous support of his family, served
6 South Dakotans with selfless dedication to their safety; and

7 WHEREAS, the actions, performance, and tenure of Port Manager Larry Bryant were in
8 keeping with the highest traditions of the South Dakota Highway Patrol:

9 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
10 State of South Dakota, that the Legislature honors, commends, and thanks South Dakota
11 Highway Patrol Port Manager Larry Bryant for his outstanding career commitment and service
12 to the citizens of South Dakota.

13 HC 1006 Introduced by: Representatives Nelson, Johns, and Kaiser and Senator Tieszen

14 A LEGISLATIVE COMMEMORATION, Honoring, commending, and thanking South Dakota
15 Highway Patrol Inspector Galen Roark upon his retirement, for his many dedicated years
16 of service to South Dakotans.

17 WHEREAS, Inspector Galen Roark, with the generous support of his family, served South
18 Dakotans with selfless dedication to their safety; and

19 WHEREAS, the actions, performance, and tenure of Inspector Galen Roark were in keeping
20 with the highest traditions of the South Dakota Highway Patrol:

21 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
22 State of South Dakota, that the Legislature honors, commends, and thanks South Dakota
23 Highway Patrol Inspector Galen Roark for his outstanding career commitment and service to
24 the citizens of South Dakota.

25 HC 1007 Introduced by: Representatives Nelson, Johns, and Kaiser and Senator Tieszen

26 A LEGISLATIVE COMMEMORATION, Honoring, commending, and thanking South Dakota
27 Highway Patrol Trooper Larry Englund upon his retirement for his many dedicated years
28 of service to South Dakotans as a highway patrolman.

29 WHEREAS, Trooper Larry Englund, with the generous support of his family, served South
30 Dakotans with selfless dedication to their safety; and

31 WHEREAS, the actions, performance, and tenure of Trooper Larry Englund were in
32 keeping with the highest traditions of the South Dakota Highway Patrol:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that the Legislature honors, commends, and thanks South Dakota Highway Patrol Trooper Larry Englund for his outstanding career commitment and service to the citizens of South Dakota.

HC 1008 Introduced by: Representatives Nelson, Johns, and Kaiser and Senator Tieszen

A LEGISLATIVE COMMEMORATION, Honoring, commending, and thanking South Dakota Highway Patrol Sergeant Scott Knisley, upon his retirement, for his many dedicated years of service to South Dakotans as a highway patrolman.

WHEREAS, Sergeant Scott Knisley, with the generous support of his family, served South Dakotans with selfless dedication to their safety; and

WHEREAS, the actions, performance, and tenure of Sergeant Scott Knisley were in keeping with the highest traditions of the South Dakota Highway Patrol:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that the Legislature honors, commends, and thanks South Dakota Highway Patrol Sergeant Scott Knisley for his outstanding career commitment and service to the citizens of South Dakota.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 3:01 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk

JOINT SESSION

Pursuant to the report of the Joint-Select Committee, as found on page 37 of the House Journal, the Senate and the House of Representatives met in informal joint session in the House Chamber for the purpose of having a memorial service for deceased former members and reading of the following Joint Memorial Resolution:

WHEREAS, the Great Ruler of the Universe has ordered a final adjournment in the lives of eleven former members of the South Dakota Legislature, namely: the *Honorable Elmer Diedtrich*; the *Honorable Jay L. Duenwald*; the *Honorable Derald B. Gellhaus*; the *Honorable Donald A. Hagggar*; the *Honorable John B. Heilman*; the *Honorable Ralph D. Homan*; the *Honorable Stanley A. Johnson*; the *Honorable Patricia E. Kenner*; the *Honorable Gilbert "Gil" Koetzle*; the *Honorable Alice Kundert*; and the *Honorable John D. Sears*; and

WHEREAS, in the lives of all these eminent public servants there was noted a profound urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but with a consciousness that here in a land of freedom the dignity of the individual is supreme, that

1 justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-
2 government of a people be preserved; and

3 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus
4 contributed to the orderly process of government under the Constitution:

5 **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of
6 Representatives of the Eighty-ninth Session of the Legislature of the State of South Dakota duly
7 convened in recess session in recognition of the useful lives and unfailing devotion to the
8 interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity
9 to the highest principles of American citizenship by these honorable people, that the Senate and
10 the House of Representatives do now pause in their labors out of respect for the memory of their
11 late fellow associates in the functions of government, and note that in their passing, the state
12 they have served so well has suffered a distinct loss, and though their labors have ceased and
13 they have been laid to rest, the people of this great state have benefited greatly from the services
14 rendered by them and they have left upon the sands of time an inspiring record of devotion to
15 their fellow citizens under the guiding hand of Almighty God; and

16 **BE IT FURTHER RESOLVED**, that this Resolution be printed in the journals of the
17 Senate and the House of Representatives of the Eighty-ninth Session of the Legislature of the
18 State of South Dakota, now assembled this 23rd day of January, 2014, at Pierre, South Dakota.

